

the authenticity of the production reports of the insured crop. Master Yields are based on acreage and production history from all acreage of the insured crop in the county in which the operator has shared in the crop's production.

(i) FCIC may use any production report available under the provisions of any crop insurance contract, whether continuous or not, involving the interests of the person's insured crops in determining the approved APH yield.

#### **§ 400.56 Administrative appeal exhaustion.**

The insured may appeal the approved APH yield in accordance with the procedures contained in 7 CFR part 400, subpart J. Administrative remedies through the appeal process must be exhausted prior to any action for judicial review. The approved APH yield determined as a result of the appeal process will be the yield applicable to the crop year.

#### **§ 400.57 [Reserved]**

### **Subpart H—Information Collection Requirements Under the Paperwork Reduction Act; OMB Control Numbers**

**AUTHORITY:** 5 U.S.C. 1320, Pub. L. 96-511 (44 U.S.C., chapter 35).

**SOURCE:** 56 FR 49390, Sept. 30, 1991, unless otherwise noted.

#### **§§ 400.65–400.66 [Reserved]**

### **Subpart I [Reserved]**

### **Subpart J—Appeal Procedure**

**AUTHORITY:** 7 U.S.C. 1506(l), 1506(p)

**SOURCE:** 67 FR 13251, Mar. 22, 2002, unless otherwise noted.

#### **§ 400.90 Definitions.**

**Act.** The Federal Crop Insurance Act (7 U.S.C. 1501–1524).

**Administrative review.** A review within the Department of Agriculture of an adverse decision.

**Adverse decision.** A decision by an employee or Director of the Agency that is adverse to the participant. The term

includes the denial of program benefits, written agreements, eligibility, etc. that results in the participant receiving less funds than the participant believes should have been paid or not receiving a benefit to which the participant believes he or she was entitled.

**Agency.** RMA or FCIC, including the RO, FAOB or any other division within the Agency with decision making authority.

**Appellant.** Any participant who requests an administrative review or mediation, or both, of an adverse decision of the Agency in accordance with this subpart. Unless otherwise specified in this subpart, the term “appellant” includes an authorized representative.

**Authorized representative.** Any person, whether or not an attorney, who has obtained a Privacy Act waiver and is authorized in writing by a participant to act for the participant in the administrative review, mediation, or appeal process.

**Certified State.** A State with a mediation program, approved by the Secretary, that meets the requirements of 7 CFR part 1946, subpart A, or a successor regulation.

**FAOB.** Financial and Accounting Operations Branch.

**FCIC.** The Federal Crop Insurance Corporation, a wholly owned Government corporation within USDA.

**FSA.** The Farm Service Agency, an agency within USDA, or its successor agency.

**Good farming practices.** For agricultural commodities insured under the terms contained in 7 CFR part 457 and all other crop insurance policies authorized under the Act, except as provided herein, means the good farming practices as defined at 7 CFR 457.8. For agricultural commodities insured under the terms contained in 7 CFR part 407, means the good farming practices as defined at 7 CFR 407.9.

**Insured.** An individual or entity that has applied for crop insurance or who holds a crop insurance policy that was in effect for the previous crop year and continues to be in effect for the current crop year.

**Mediation.** A process in which a trained, impartial, neutral third party (the mediator), meets with the disputing parties, facilitates discussions,